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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,454	11/03/2000	Kevin Negus	034421-097	6386
7590 07/27/2005				
Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640				
			EXAMINER	
			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,454

Applicant(s)

NEGUS, KEVIN

Examiner

Thien D. Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 9-11 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 8 is/are objected to.
- 8) ☒ Claim(s) 12-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-7, 9-11, 17-22 are rejected under 35 U.S.C. 102(b) as being participated by Rypinski (U.S Patent No. 5,461,627).

Regarding claims 1, 7 Rypinski discloses a method of operating a wireless communication system comprising:

in a hub controller (controller), receiving requests from stations (streaming data contention-window slot assignment requests from streaming transmitter units), (see col.13 lines 60-65) ;

in the hub controller, transmitting a grant (assigning contention-window slot numbers to the requesting streaming transmitter units), (see col.13 lines 60-65);

in the hub controller, broadcasting a message (sending an indication) to inform all the stations (including other transmitter units) a status of slots (contention-window slots) as to whether they are available or reserved, (See col.2 lines 45-65);

in the contending stations (other transmitter units), using a randomly available slot (contention-window slot) to transmit requests, wherein the available slots different

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from the reserved slots (contention window slot is selected from contention-window slots other than the reserved slots). See figure 1, col.2 lines 40-65.

Regarding claims 4, 5, 9, 10, Rypinski discloses that the streaming data is from computer or mobile phone (audio data or video data). See figure 1.

Regarding claims 6, 11, Rypinski discloses that the number of assigned contention window slots is limited. See col.3 line 15.

Regarding claim 17-22, Rypinski discloses a hub controller (base station) for a wireless network comprising:

a hub controller (first circuit) for receiving radio frequency message from transmitter units (see col.13 lines 60-65) ;

a hub controller (second circuit) for assigning slots to transmitter based upon the transmitting characteristics of the transmitter (see col.13 lines 60-65);

wherein the hub controller (base station) to indicate to the transmitter units which do not fall with the transmitting characteristic which slots are available aside from those assigned to the transmitter having the transmitting characteristics. See col.2 lines 45-65.

Allowable Subject Matter

3. Claims 2, 3, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 06/14/2004 have been fully considered but they are not persuasive.

Applicant argues that Rypinski does not disclose in the controller, assigning contention-window slot numbers to the requesting streaming transmitter units. However, Examiner respectfully disagrees with the argument because Rypinski discloses that the Hub controller grant stations to transmit data in the available or permitted slots upon receiving the requests for transmission in the available or permitted slots from the stations, col.2 lines 45-50, and col.5 lines 60-65, (in the controller, assigning contention-window slot numbers to the requesting streaming transmitter units).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

**DUCHO
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Duchho', written over the printed name.

7-22-05